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December 4, 2009

Hon. Randolph F. Treece
U.S. Magistrate Judge
United States District Court
Northern District of New York
James T. Foley U.S. Courthouse
Room 345
445 Broadway
Albany, New York 12207

VIA ELECTRONIC FILING
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Re: Charlotten v. Heid, et al.
United States District Court,
Northern District of New York
Civil Action No. 09-CV-0891 (Kahn) (Treece)

Your Honor:

Please find enclosed the proposed Civil Case Management Plan executed by the attorneys for the status and scheduling conference pursuant to FRCP 16(b) to be held before Your Honor at the United States Courthouse, in Albany, New York at 10:30 A.M. on December 16, 2009 with regard to the above-entitled matter.

This is to advise you that I am respectfully withdrawing my request to adjourn the date of the scheduling conference. On December 1, 2009 Hon. Shira A. Scheindlin adjourned the trial in Percinthe v. Julien which is now scheduled to commence on January 4, 2010. Accordingly, my request dated November 24, 2009 to adjourn the scheduling conference is no longer necessary.

The proposed Civil Case Management Plan has been executed by the attorneys for the plaintiff and for defendants Muia, Castillo, and the Conflict Defender. The attorney for officer Heid and the City of Albany was consulted and provided with drafts on October 2 and November 29 but has not commented on or signed the proposed Plan.

Respectfully submitted,

Lewis B. Oliver, Jr.

Lewis B. Oliver, Jr., Esq.

LBOJ/jm

CC: Mr. Robert P. Roche, Esq.
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